

JUN 16 2005

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being transmitted by official facsimile to number 703-872-9306 in the United States Patent and Trademark Office.  
on

**JUNE 16, 2005**

The undersigned, Sandra G. Kushner, hereby avers that all statements on this Certificate of Transmission are true pursuant to the provisions of and penalties under 18 U.S.C. Section 1001.

  
Sandra G. Kushner, Paralegal to Gerry J. Elman,  
Reg. 24,404 Customer no. 003775

U.S. Patent Application	09/714,789
Confirmation Number	5203
GAU/Examiner	3623/STIMPAK
First Named Inventor	Robinson
Our file	VDC1.009 (was R49-009)

**Piece(s) transmitted herewith:**

This Certificate of Facsimile Transmission	1 piece(s)
Request for Three-Month Extension of Time	1 piece(s)
Notice of Appeal	1 piece(s)
<b>Total piece(s) this submission</b>	<b>3 piece(s)</b>

**RECEIVED  
OIPE/IAP**

JUN 17 2005

PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) VDC1.009 (was R49-009)	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>16 June 2005</u>		In re Application of Gary Robinson	
Signature <u>Gerry J. Elman</u>		Application Number <u>09/714,789</u>	Filed <u>16 November 2000</u>
Typed or printed name <u>Gerry J. Elman, Reg. no. 24,404</u>		For Cluster for Rapid Artist-Audience Matching	
		Art Unit <u>3623</u>	Examiner <u>STIMPAK</u>
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>500.00</u>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ <u>250.00</u>	
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>05-0845</u> . I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
<b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the		<u>Gerry J. Elman</u> Signature	
<input type="checkbox"/> applicant/inventor.		<u>Gerry J. Elman</u> Typed or printed name	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>24,404</u>		<u>610-892-9942</u> Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		<u>June 16, 2005</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/17/2005 HTECKLU1 00000043 050845 09714789

01 FC:2401 250.00 DA